

# Voting Guide to Arizona Ballot Propositions

November 2, 2010  
General Election

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This voting guide is intended to educate interested voters in the ballot propositions to be placed on the November 2010 General Election ballot in Arizona.

Nothing in this document should be construed as an endorsement or opposition to any particular proposition.

Rather, diligent care was taken to objectively describe each proposition and to provide the typical arguments used by proponents and opponents.

In the unlikely event there is a discrepancy between the actual ballot proposition and the information contained herein, the actual ballot language shall take precedence.

The primary focus remains to encourage all Arizona residents to participate in the upcoming General Election on November 2nd – as every vote counts, including your vote!

## Ballot Propositions

Under the Arizona Constitution, the Arizona Legislature and citizens have the right to place propositions on the General Election ballot to make changes to either the Arizona Constitution or Arizona Revised Statutes.

A referendum is a ballot proposition that has been placed on the ballot by the Arizona Legislature. Unlike other legislation, a referendum does not go to the Governor for approval or veto. Rather, if a majority of the Arizona House of Representatives and Arizona

State Senate pass the legislation, the measure is automatically placed on the ballot.

An initiative gives citizens the same right as the Arizona Legislature to place an issue on the ballot, provided that the citizens collect enough valid signatures from registered voters to qualify. The Arizona Secretary of State, in coordination with the County Recorders in each of Arizona's 15 counties, determines whether an initiative has enough valid signatures to qualify for the ballot.

For the 2010 November General Election, to be held November 2, 2010, in addition to electing Federal and State elected leaders, Arizona voters will be asked to make decisions on ten ballot propositions in which several will have a significant impact on the future of Arizona.

### Important Dates

Individuals have until October 4th to register to vote in order to participate in the November 2<sup>nd</sup> General Election.

Vote by Mail begins on October 7<sup>th</sup>.

November 2<sup>nd</sup> is Election Day.

### PROPOSITION 106

Yes  No

### HEALTH CARE FREEDOM ACT - PROPOSITION 106

Under Proposition 106, the Arizona Constitution would be amended to prohibit any law or rule from compelling any person, employer or health care provider to participate in any health care system. The measure allows a person or employer to pay directly for lawful health care services without being penalized or fined; allows a health care provider to accept direct payment for lawful health care services without being penalized or fined; and provides that the purchase or sale of health insurance in private health systems shall not be prohibited by law or rule, subject to reasonable and necessary rules that do not substantially limit a person's options. [Analysis provided by the Arizona Legislative Council - modified due to space limitations].



Proponents of Proposition 106 may assert that individuals have the right to make their own respective decisions regarding health and health care insurance without interference from government. Proposition 106 guarantees health care consumers the freedom of choice, according to proponents.

Opponents of Proposition 106 may assert that the intent of the proposition is to adversely impact Arizona's ability to participate in the recently enacted federal legislation on health care reform. According to opponents of Proposition 106, the measure will interfere with the implementation of the health care reform law, which is needed to meet the needs of the uninsured, ultimately, lowering costs for all consumers.

**PROPOSITION 107**  
 Yes     No

**ARIZONA CIVIL RIGHTS INITIATIVE - PROPOSITION 107**

Under Proposition 107, the Arizona Constitution would be amended to ban affirmative action programs that give preferential treatment to or discriminate against any individual or group on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting. This proposition does not prohibit bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting. This proposition would not prohibit action necessary to prevent a loss of federal funding to the state and would not invalidate any existing court orders. The remedies for violations of this proposition would be the same as for violations of current antidiscrimination laws. This proposition applies to the state, counties, cities, towns, special districts and other political subdivisions of the state, including school districts, public universities and community college districts. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 107 may assert that the measure establishes equal protections for all citizens by eliminating preferential treatment and other special advantages afforded to one select class and not another.

Opponents of Proposition 107 may assert that passage of the measure will "turn back the

clock" on the civil rights related progresses made in Arizona, as programs designed to assist those individuals that have been traditionally discriminated against will be eliminated.

**PROPOSITION 109**  
 Yes     No

**RIGHT TO HUNT AND FISH AMENDMENT - PROPOSITION 109**

Under Proposition 109, the Arizona Constitution would be amended to provide that wildlife is held in trust for the citizens of this state, whom have a right to lawfully hunt, fish and harvest the wildlife. The Legislature has the exclusive authority to enact laws to regulate hunting, fishing and harvesting of wildlife. The legislature may grant rule-making authority to a game and fish commission. The measure prohibits a law or rule shall unreasonably restricting hunting, fishing or harvesting of wildlife or the use of traditional means and methods for those activities. Any law or rule shall have the purpose of wildlife conservation and management and preserving the future of hunting and fishing. The measure also establishes that lawful public hunting and fishing is the preferred means of managing and controlling wildlife. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 109 may assert that the measure protects the future of hunting and fishing from excessive regulation.

Opponents of Proposition 109 may assert that the measure will adversely impact the ability to implement established and prospective wildlife management practices.

**PROPOSITION 110**  
 Yes     No

**STATE TRUST LAND EXCHANGES - PROPOSITION 110**

Under Proposition 110, the Arizona Constitution would be amended to allow the state to dispose of (for example, sell or lease) state trust land or interests in trust land or to place restrictions on interests or rights in trust lands, without advertisement or auction, in order to avoid incompatible use of the trust land that would interfere with military installations, facilities, ranges, airspace or operations or to enable



military combat readiness and allow full spectrum test and training operations.

Proposition 110 would also amend the Arizona Constitution to allow the state to exchange state trust land for other public land. The exchange must be in the best interest of the state land trust. The purpose of the exchange must be to either assist in preserving and protecting military facilities in this state from encroaching development or for the proper management, protection or public use of state lands. There must be two independent appraisals that show that the true value of the land the state receives in the exchange is equal to or greater than the true value of the trust land the state conveys. There must also be two independent analyses that detail the income to the state land trust before and the projected income to the trust after the exchange, the financial impact of the exchange on each county, city, town and school district in which the lands are located, the physical, economic and natural resource impacts of the exchange on the local community and the impacts on local land uses and land use plans. A detailed public notice of a proposed exchange must be given, public hearings must be held and an opportunity for public comment must be given. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 110 may assert that the measure will facilitate land exchanges between the State Land Department and federal government for the limited purposes of protecting military facilities and the proper management, protection and public use of state lands.

There is no known opposition to Proposition 110 at this time.

**PROPOSITION 111**  
 Yes  No

**LIEUTENANT GOVERNOR - PROPOSITION 111**

Under Proposition 111, the Arizona Constitution would be amended to rename the office of secretary of state as the office of lieutenant governor, beginning with the term of office that starts in 2015. The lieutenant governor elected in the November 2014 general election would assume all of the duties currently performed by the secretary of state, including being first in the line of succession to replace a governor unable

to serve.

The proposition provides that during the primary election, candidates for the office of lieutenant governor would run separately from candidates for the office of governor. The nominees selected at the primary election for the office of governor and lieutenant governor from the same political party would then run on a single ticket in the general election. At the general election, voters would cast a single vote for a candidate for governor, and that vote would constitute a vote for the ticket, including the candidate for lieutenant governor. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 111 may assert that given the frequency that the Arizona secretary of state has replaced an incumbent governor, the measure will allow voters to have a better understanding of Arizona’s line of succession. Currently, 45 states use the term “lieutenant governor” as an effective means to describe the elected office that is next in the line of succession.

Opponents of Proposition 111 may assert that the measure will eliminate the independence of the Secretary of State, as the winners of the respective Democratic and Republican primaries will be effectively forced to run as a “ticket.” Recent political columnists have asserted that individuals registered as “independents” would be ineligible to run for governor or lieutenant governor, as the measure requires both candidates for governor and lieutenant governor to be “from the same political party.” The potential problem is that “independents” do not belong to any political party.

**PROPOSITION 112**  
 Yes  No

**INITIATIVE REFORM - PROPOSITION 112**

Under Proposition 112, the Arizona Constitution would be amended to require that initiative petitions be filed at least six months before the date on which the measure will be voted on. Under current law, initiative petitions must be filed at least four months before the date on which the measure will be voted on. [Analysis provided by the Arizona Legislative Council - modified due to space limitations].

Proponents of Proposition 112 may assert that the proposed change will give election officials



the critical time they need to ensure petition signatures are properly filed, processed, counted and verified and allow for appropriate judicial review.

Opponents of Proposition 112 may assert that moving up the filing date for initiatives will change the strategy on how citizen initiatives are used to influence public policy. In some cases, interests wanting to change public policy or create a new program may avoid the legislative process entirely, as running legislation may not provide adequate time to collect signatures for an initiative if the Legislature fails to act. That is, such interests would go straight to the initiative process without giving the Legislature the opportunity to consider the issue.

<b>PROPOSITION 113</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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**RIGHT TO SECRET BALLOTS FOR  
EMPLOYEE REPRESENTATION -  
PROPOSITION 113**

Under Proposition 113, the Arizona Constitution would be amended to guarantee the fundamental right to vote by secret ballot when a local, state or federal law permits or requires an election, designation or authorization for employee representation. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 113 may assert that the measure guarantees that Arizona workers will be able to vote a secret ballot in any union election, thereby eliminating any opportunity for intimidation or similar tactics. Legislation is currently pending in Congress that would eliminate the voting requirement for union related elections.

Opponents of Proposition 113 may assert that Arizona workers have a right to make the decision to unionize free of employer influence. The measure would require an election, even if 100 percent of the workers request union representation. The measure would require an election by workers even if the employer agrees that no election is needed. Under current federal law, an employer can choose to request a secret ballot election by the workers, even if more than 50 percent of the workers request union representation. The employer also can choose to accept the union as the workers' representative without the time and expense of an election.

<b>PROPOSITION 203</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
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**MEDICAL MARIJUANA – PROPOSITION 203**

Proposition 203 would allow a "qualifying patient" who has a "debilitating medical condition" to obtain an "allowable amount of marijuana" from a "nonprofit medical marijuana dispensary" and to possess and use the marijuana to treat or alleviate the debilitating medical condition or symptoms associated with the condition. The Arizona Department of Health Services (DHS) would be required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, nonprofit dispensaries and dispensary agents. The costs of the regulatory system would be paid from application and renewal fees collected, civil penalties imposed and private donations received pursuant to this proposition.

A registered nonprofit medical marijuana dispensary must be operated on a not-for-profit basis, but may receive payment for all expenses incurred in its operation. DHS may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacy permits issued by the Arizona State Board of Pharmacy under current law. The dispensary may cultivate marijuana only in an enclosed, locked facility and may acquire marijuana from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the marijuana. This proposition specifies various security, record-keeping and verification requirements relating to the operation of dispensaries.

Proposition 203 would generally provide that any person who acts in conformity with the requirements of the proposition is not subject to any governmentally imposed sanction relating to the medical use of marijuana. [Analysis provided by the Arizona Legislative Council - modified due to space limitations].

Proponents of Proposition 203 may assert that marijuana used for medicinal purposes can improve the quality of life for individuals with specific and chronic diseases.

Opponents of Proposition 203 may assert that



the Federal Drug Administration does not recognize the use of marijuana as a treatment for any medical condition. The opportunities for abuse and fraud are significant, according to opponents.

**PROPOSITION 301**

Yes  No

**TRANSFERRING MONIES FROM THE LAND CONSERVATION FUND – PROPOSITION 301**

Under Proposition 301, the Land Conservation Fund consists of monies appropriated from the state general fund and monies received as donations. \$20,000,000 was appropriated annually for 11 years from the state general fund to the Land Conservation Fund. The final appropriation is scheduled in fiscal year 2010-2011. Monies in the fund must be used to award grants to:

1. Acquire and conserve state trust land or development rights in state trust land.
2. Implement conservation based management or reduce production on state lands leased for agricultural purposes.

Proposition 301 would transfer the remaining balance in the Land Conservation Fund to the state General Fund. [Analysis provided by the Arizona Legislative Council].

Proponents of Proposition 301 may assert that given the ongoing structural deficits being experienced in state government, the Legislature needs flexibility in its ability to prioritize limited revenues among competing programs that policy makers have determined to be comparably more significant at a given time. Programs should be allowed to compete with each other for limited resources. Flexibility is needed to meet current demands.

Opponents of Proposition 301 may assert that the Land Conservation Fund was established by the initiative process (enacted by the voters) for the specific purpose of enabling county and municipal governments to use matching funds to purchase property for the purpose of conservation and open space. Using these funds for the unintended purpose of supporting General Fund programs is counter to why the voters of Arizona established this program.

**PROPOSITION 302**

Yes  No

**TRANSFERRING MONIES FROM EARLY CHILDHOOD DEVELOPMENT AND HEALTH PROGRAMS – PROPOSITION 302**

Proposition 302 would redirect the ongoing tobacco tax revenues that are currently deposited in the Early Childhood Development and Health fund for deposit in the state general fund, to be separately accounted for and appropriated for health and human services for children. Any remaining uncommitted Early Childhood Development and Health fund monies would be transferred to the state General Fund on December 1, 2010.

The measure also terminates the Arizona Early Childhood Development and Health Board on December 1, 2010. [Analysis provided by the Arizona Legislative Council - modified due to space limitations].

Proponents of Proposition 302 may assert that given the ongoing structural deficits being experienced in state government, the Legislature needs flexibility in its ability to prioritize limited revenues among competing programs that policy makers have determined to be comparably more significant at a given time. Programs should be allowed to compete with each other for limited resources. Under the current framework, programs for early childhood development and health do not compete with any other program, such as education, health care and public safety. Flexibility is needed to meet current demands.

Opponents of Proposition 302 may assert that the Arizona Early Childhood Development and Health Board, known as First Things First, was established by the initiative process (enacted by the voters) for the specific purpose of supporting early childhood education programs, which have proven to be effective. Using these funds for the unintended purpose of supporting General Fund programs is counter to why the voters of Arizona established this program four years ago.

### **Additional Resources**

For full text of the propositions, the analysis provided the Arizona Legislative Council and a complete listing of all submitted arguments for and against a proposition, please go to the Arizona Secretary of State's website at:

[www.azsos.gov/election/2010/info/PubPamphlet/english/Prop111.htm](http://www.azsos.gov/election/2010/info/PubPamphlet/english/Prop111.htm)

### **How to Register to Vote**

ON-LINE:

Register to vote on line at:

[www.servicearizona.com/webapp/evoter/](http://www.servicearizona.com/webapp/evoter/)

BY MAIL:

Alternatively, voter registration forms may be obtained online at:

[www.azsos.gov/election/VoterRegistration.htm](http://www.azsos.gov/election/VoterRegistration.htm)

